

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of

Request for Review

by Zapata I.S.D.

of the Decision of the
Universal Service Administrative Company

CC Docket No. 02-6

CC Docket No. 96-45

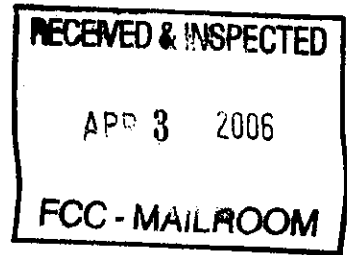
Zapata I.S.D.

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March 31, 2006

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PETITION FOR REVIEW

Zapata I.S.D. ("Zapata I.S.D.") hereby requests that the Federal Communications Commission ("FCC") reconsider and reverse the denial of funding decision that the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") issued on January 31, 2006, on the request of Zapata I.S.D. ("Zapata I.S.D.") for internal connections.

I. INTRODUCTION

Integrity Communications seeks a review of SLD's decision denying Zapata I.S.D.'s application for E-Rate funding for year 2005-2006 (Funding Year Eight). In that decision USAC determined that Zapata I.S.D. failed to respond to PIA review email messages regarding Form 471 Application.

II. SUMMARY OF FACTS AND ARGUMENT

At the time of E-rate Year 8 Funding Year 2005 the Zapata I.S.D. Technology Facilitator, Gil Flores was on leave of absence due to military deployment overseas serving in Iraq. Mr. Flores experience with district technology service and E-rate program familiarity were not available to the district while he was deployed.

On January 14, 2005, Zapata I.S.D. posted Form 470 Application for requesting services. Zapata I.S.D. submitted Form 471 to SLD on February 18, 2005 in order to apply for E-Rate Program funding. After Form 471 was submitted, SLD provided Form 471 RAL Receipt Acknowledgement Letter with all identified services and service providers chosen. September 15, 2005 Universal Service Administrative Company (USAC) Program Integrity Assurance (PIA) team responsible for reviewing Form 471 dispatched email message to Zapata ISD. Message had questions pertaining to application reviews. PIA response time granted seven calendar days.

September 23, 2005 Universal Service Administrative Company (USAC) Program Integrity Assurance (PIA) team responsible for reviewing Form 471 dispatched second email message to Zapata ISD. Message again had identical questions pertaining to application reviews. PIA response time granted seven calendar days. In the case of Zapata I.S.D. only email correspondence was used and not a USAC requirement; however a courtesy phone call placed to the applicant would have been able to help answer all questions during the initial reviews.

October 26, 2005 Zapata ISD received Funding Commitment Decision Letter (FCDL) *letter acknowledged denial decisions based upon Insufficient Documentation and* ineligible entity receiving services.

November 2, 2005 Zapata ISD contacted USAC Client Services Bureau Case #21-328610 to inquire about FCDL received. During this phone call district personnel explained details and it was suggested that Zapata ISD file letter of appeal and list all information to help clarify the current application.

December 6, 2005 Zapata ISD prepared and submitted "Letter of Appeal" with all substantiating documents to clarify USAC decisions along with information acknowledging loss of Technology Facilitator due to military services.

January 31, 2006 Zapata ISD received from USAC Administrator's Decision on Appeal letter for Funding Year 2005-2006. Letter acknowledges new supporting documentation to support funding requests. Schools and Libraries Division letter further explained that Zapata ISD did not provide the information requested within the 7 day timeframe and based final decisions on information at hand.

We believe that the holding in the Request for Waiver by Greenfield Public School District , DA 06-487 (February 2006) supports a finding that Zapata I.S.D. has an identical situation in which the school district personnel responsible for applying and for filing appeals was called up for active duty with the United States military during the application and review process, and a conclusion by the FCC that Zapata I.S.D.'s application should be granted without further review, or at a minimum, remanding of the decision to USAC to allow Zapata I.S.D. to provide any additional assurances which may

be required. In the Greenfield Public School, the FCC has strictly and consistently enforced filing deadlines, allowing waivers only in very limited and compelling situations. The FCC has noted that the E-rate program is fraught with complexity from the perspective of beneficiaries and the program rules and guidelines have changed many times. In reviewing the proper treatment which should be accorded by USAC when there are questions of public interest, the FCC stated:

Moreover, given the importance of military service during a time of war, we find that it would be inconsistent with the public interest to penalize Greenfield for its employee's sudden departure to fulfill his military obligations. It would have been difficult for a replacement to determine the status of the applications, gain an understanding of the applicable rules, and take over responsibility for the applications given that the District Technology Coordinator had already left Greenfield to commence his military service. We therefore grant the Waiver Request and remand the underlying applications to the Administrator.

Id. at ¶ 12.

This decision on behalf of the FCC mirrors identical situation with Zapata I.S.D. with Technology Coordinator's departure to Iraq on active duty with the United States military Zapata I.S.D. respectfully requests that SLD reconsider Zapata I.S.D.'s application for E-Rate funding, and either grant Zapata I.S.D.'s request, or remand Zapata I.S.D.'s case to USAC with instructions to either grant or permit Zapata I.S.D. to make any additional necessary demonstrations of information concerning its E-rate application. It is apparent that Zapata I.S.D. has sufficient information and the funds needed to pay its portion of the E-Rate charges, and is entitled to funding on its request.

III. Conclusion

On review, Petitioner requests that SLD grant Zapata I.S.D.'s application for Year Eight E-Rate funding.

Respectfully submitted,

Zapata I.S.D.

By: Norma E. García

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